

SUBGRANT AWARD CERTIFICATE (CONTINUED):

This grant shall become effective on the beginning date of the grant period provided that within 30 days from the date of award, a properly executed Certificate of Acceptance of Subgrant Award is returned to the Department.

Clayton H. Wilder

Authorized Official
Clayton H. Wilder
Community Program Administrator

8-1-03

Date

Application for Funding Assistance
Florida Department of Law Enforcement
Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program

Please read instructions before completing this application.

- The term "Department", unless otherwise stated, refers to the Department of Law Enforcement.
- The term "OCJG" refers to the Office of Criminal Justice Grants.
- The term "subgrant recipient" or "subgrantee" refers to the governing body of a city, county, state agency, or an Indian Tribe that performs criminal justice functions as determined by the U.S. Secretary of the Interior.
- The term "implementing agency" is a subordinate agency of a city, county, state agency, or Indian Tribe, or an agency under the direction of an elected official (for example, Sheriff or Clerk of the Court). It may also be an entity eligible to be a subgrantee (ex. City of Live Oak).
- Instructions are incorporated in this document by reference.

A. Subgrant Data												
1. This section to be completed by Subgrantee Continuation of Previous Subgrant? Yes If Yes, enter CJ Contract # of Previous Subgrant <u>SFY 2003 CJ Contract #.</u> 2003- CJ - <u>CJ</u> - <u>5A</u> - <u>11</u> - <u>54</u> - <u>111</u>		2. This section to be completed by OCJG <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Project ID # <u>2000-112</u></td> <td style="width: 33%;">Program Area #: <u>20A</u></td> <td style="width: 33%;">CFDA #: 16.579</td> </tr> <tr> <td colspan="3" style="text-align: center;">SFY 2004 CJ Contract #</td> </tr> <tr> <td colspan="3" style="text-align: center;">2004 - CJ - <u>23</u> - <u>11</u> - <u>54</u> - <u>01</u> - <u>017</u></td> </tr> </table>		Project ID # <u>2000-112</u>	Program Area #: <u>20A</u>	CFDA #: 16.579	SFY 2004 CJ Contract #			2004 - CJ - <u>23</u> - <u>11</u> - <u>54</u> - <u>01</u> - <u>017</u>		
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2004 - CJ - <u>23</u> - <u>11</u> - <u>54</u> - <u>01</u> - <u>017</u>												
B. Applicant Information												
1. Subgrant Recipient (Subgrantee)												
Name of Subgrant Recipient (Unit of Government): <u>Monroe County Board of County Commisssioners</u> Name of Chief Elected Official / State Agency Head: <u>Dixie Spehar</u> Title: <u>Mayor</u> Address: <u>500 Whitehead Street</u> City, County, State, Zip Code: <u>Key West, FL 33040</u> E-mail Address: <u>spehar-dixie@monroecounty-fl.gov</u>			County : <u>Monroe</u> <hr/> Area Code / Phone # <u>305-292-3440</u> <hr/> SUNCOM # <hr/> Area Code / Fax # <u>305-292-3466</u>									
2. Chief Financial Officer of Subgrant Recipient (Subgrantee)												
Name of Chief Financial Officer: <u>Danny L. Kolhage</u> Title: <u>Clerk of the Circuit Court</u> Address: <u>500 Whitehead Street</u> City, County, State, Zip Code: <u>Key West, FL 33040</u> E-mail Address:			County <u>Monroe</u> <hr/> Area Code / Phone # <u>305-292-3550</u> <hr/> SUNCOM # <hr/> Area Code / Fax # <u>305-295-3663</u>									
3. Implementing Agency												
Name of Implementing Agency: <u>Monroe County Board of County Commissioners</u> Name of Chief Executive Official / State Agency Head / Subgrantee representative (if a subordinate agency of the subgrant recipient): <u>James L. Roberts</u> Title: <u>County Administrator</u> Address: <u>1100 Simonton Street</u> City, County, State, Zip Code: <u>Key West, FL 33040</u> E-mail Address: <u>roberts-james@monroecounty-fl.gov</u>			County <u>Monroe</u> <hr/> Area Code / Phone # <u>305-292-4441</u> <hr/> SUNCOM # <hr/> Area Code / Fax # <u>305-292-4544</u>									

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4. Project Director	
Name of Project Director: David P. Owens (Implementing Agency Employee) Title: Grants Administrator Address: 1100 Simonton Street City, County, State, Zip Code: Key West, FL 33040 E-mail Address: owens-david@monroecounty-fl.gov	County Monroe <hr/> Area Code / Phone # 305-292-4482 <hr/> SUNCOM # <hr/> Area Code / Fax # 305-292-4515
5. Contact Person	
Name of Contact Person: same as project director (if other than Project Director) Title: Address: City, County, State, Zip Code: E-mail Address:	County Monroe <hr/> Area Code / Phone # <hr/> SUNCOM # <hr/> Area Code / Fax #
6. Person Responsible For Financial Reporting (if known)	
Name: David P. Owens Title: Grants Administrator Address: 1100 Simonton Street City, County, State, Zip Code: Key West, FL 33040 E-mail Address: owens-david@monroecounty-fl.gov	County Monroe <hr/> Area Code / Phone # 305-292-4482 <hr/> SUNCOM # <hr/> Area Code / Fax # 305-292-4515
7. Person Responsible For Programmatic Performance Reporting (if known)	
Name: David P. Owens Title: Grants Administrator Address: 1100 Simonton Street City, County, State, Zip Code: Key West, FL 33040 E-mail Address: owens-david@monroecounty-fl.gov	County Monroe <hr/> Area Code / Phone # 305-292-4482 <hr/> SUNCOM # <hr/> Area Code / Fax # 305-292-4515
8. Service Provider Contact Person	
Name: Rev. Stephen E. Braddock, Ph.D. Title: President and Executive Director Address: P.O. Box 788 City, County, State, Zip Code: Key West, Monroe, FL 33040 E-mail Address: frbraddock@cs.com; fkoc4homeless@cs.com	County Monroe <hr/> Area Code / Phone # 305-293-8189 <hr/> SUNCOM # <hr/> Area Code / Fax # 305-293-8276

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C. Administrative Data

1. Project Title: **Transitional Housing for the Homeless Substance Abuse Prevention Program**
2. Identify the year of the project (I, II, III, etc.) **IV**
3. Project period | Start: **10/01/03** | End: **09/30/04**

D. Fiscal Data

Remit Warrant to: (This may only be either the individual listed in B2 (Subgrantee CFO) or a designee in their office. If B2 is selected, do not reenter the contact information. This is only needed for designee.

B2
OR
DESIGNEE XXX
Name:
Title:
Address:
City, State, Zip
Phone Number:

2. Is the subgrantee participating in the State of Florida Comptroller's Office electronic transfer program?
(Reimbursement cannot be remitted to any entity other than the subgrantee.)
Yes XX No

3. Frequency of Fiscal Reporting: Monthly____ Quarterly XXX

4. Subgrant Recipient FEID #: 59-6000749

5. State Agency SAMAS #: _____

6. Project Generated Income (PGI):
Will the project earn PGI? (See Section G, Item 9.) Yes X No

7. **Cash Advance:** Will you request an advance?

Yes _____ Amount _____ No **XX**

If yes, a letter of request must be submitted with the application or prior to submission of the first claim for reimbursement. Amount requested must be justified and accepted by FDLE.

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E. Project Narrative

1. Problem Identification: Briefly describe a specific problem to be addressed with subgrant funds in terms of Problem Description, Problem Significance and Needs Assessment, as described in the application instructions. Continue narrative on a second page if necessary. Do not exceed two pages. Use a readable size font, per instructions.

- a. **Problem Description:** What is the problem to which your project is responding? Define the problem as it relates to the program area for which you are seeking funding. Be concise, avoid redundancy, but give enough detail to allow the reviewer to understand the problem.

FKOC is responding to the need for community based, supervised residential alternatives for offenders who pose no risk to the community and need not be incarcerated within the criminal justice system.

- b. **Problem Significance:** Why is this problem significant to the subgrantee? Identify who is affected by the problem, including the specific types of individuals who contribute to and/or who are negatively effected by the problem. Write for an audience that knows nothing about the problem and explain why it is important that the proposed project address this problem at this time.

FKOC's mission is to provide homeless individuals with the resources and opportunities by which to attain residential, financial and personal stability and self-sufficiency. The vast majority of clients served are in recovery from alcohol and drug abuse, many are ex-offenders.

The causes of homelessness in the Florida Keys remain rooted in poverty and the lack of affordable housing. Complicating the situation for many individuals and families are related problems of mental health issues, domestic violence and widespread substance abuse.

The resulting despair from any one or combination of the above factors frequently leads to anti-social behavior and/or criminal activity. This is evidenced locally by the high number of homeless incarcerated at the Monroe County Detention Center.

- c. **Needs Assessment:** Identify the current scope of the problem. Support your problem statement(s) with factual information. Use both quantitative and descriptive data that relates to your specific geographic area(s) and problem. Be sure to use appropriate types(s) and level of data to describe the scope of the problem. For example, do not use national data alone to define a local problem. Identify the sources of all data that you use. Do not describe

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how the proposed project will address the problem, as this will be covered in another section (Project Description).

If this is a new subgrant, highlight identified unmet needs the project will address this year. If this is a continuation of a pre-existing subgrant, provide a brief summary of project accomplishments in meeting identified needs to date. Include a description of any gap between current or desired project results. Also, provide a description of any continuing and/or new unmet needs the project will address this year.

On any given day, 15-20% of the inmates incarcerated in the Monroe County Detention Center are reported to have either been homeless at the time of their incarceration or will be at the time of release. Monroe County has the highest ratio of homeless individuals in the State of Florida. One out of twenty people are homeless and most suffer from substance abuse, which frequently leads to criminal offenses.

According to the Department of Children and Families Annual Report on Homelessness released on June 30, 2001, the number of homeless in the State of Florida has increased 14% to 67,587 on any given night. A point-in-time census of the homeless in Monroe County was conducted on April 10, 2002 and reports that 78% of those homeless in Monroe County are adult males as compared to 45% of the statewide homeless population being male. The census further revealed that there are at least 110 homeless families in the Florida Keys, most in the lower Keys and Key West. 268 homeless children were identified, not including 46 teenagers tallied.

FKOC's major accomplishment this year was the acquisition of a new emergency facility at 2221 Patterson Avenue, Key West. The new 20-bed *Neece Center for Homeless Recovery* is the entrance point to FKOC's more advanced transitional housing program. After an initial period of up to 90-days for stabilization at Patterson Avenue, clients can transfer to Poinciana Plaza for supportive group living with continued case management, job referral, drug testing, support groups, transportation to NA/AA, community service

The major two obstacles identified over the past three years are the limitations that FKOC's Poinciana Plaza lease with the City of Key West places on admissions and hours of operations. FKOC was not permitted to do on-site assessment and intake and was unable to admit anyone outside the hours of 9am-5pm Monday through Friday. This proved especially difficult when attempting to admit offenders immediately upon discharge from incarceration, an event that frequently occurs after normal business hours. The new facility includes an onsite assessment and intake office that is open 7-days a week from 8am-12am. Outreach Workers are now working 4pm-12am 7-days a week and facilitate admissions by transporting potential

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clients to the facility for pre-screening. A vehicle donated by the Monroe County Sheriff allows FKOC to pick-up offenders when released from detention and bring them directly to the *Neece Center*.

FKOC has developed a new program component to provide clients with ongoing life-skills education. The *Stepping Stones Program* is a ongoing series of 12-session mandatory classes that include topics such as: Anger Management, Interpersonal Communication, Job Skills, Parenting Skills, Drug/Alcohol Prevention, Recovery Maintenance, Stress Management, etc. The classes are facilitated by two Professional Counselors.

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- 2. Project Description:** Briefly describe proposed project activities. (Refer to Appendix II, Part 1, Pages 1-3 for a description of eligible project areas). You should include project goals, administration, enhancement/expansion, staff, service providers, clients or other participants, equipment, location, and expected project results, as described in the application instructions

This section should address the basic points of who, what, when, where, and how.

Continue on additional pages if necessary; do not exceed three pages.

Project Description. Briefly describe proposed project activities. (Refer to Appendix II, Part I, Pages 1 through 3 for a description of project eligible program areas.) Be sure to address the following items:

- a. **Project Enhancement and Expansion:** If your project does not stand alone, but is part of an existing program, please describe this relationship.

This is a stand-alone project.

- b. **Project Goals:** What are the project short-term (1-year) and long range (4-year) goal(s)?

This will be the fourth year of the program. We will more than double the number of bed days available for offenders and add a new life-skills program.

The Director, in collaboration with the life-skills trainers, recently designed a post-discharge program to provide those who successfully complete the residential phases offered by FKOC the opportunity to receive ongoing support and continued skills training after they achieve residential independence and stability. Funding for this expansion is being sought from various sources that offer funding for homeless and drug abuse prevention.

FKOC has been working collaboratively for nearly two years with a faith-based homeless outreach group serving the middle keys. A new homeless drop-in center will open in Marathon on June 28, 2003 and FKOC outreach will frequently visit the facility to recruit eligible individuals into the current program. Additionally, the facility has the capacity for twelve beds, and dialogue is underway to determine the feasibility of establishing a satellite FKOC residential program in Marathon.

- c. **Treatment and Prevention Projects – Service Provider Information:**

(1) Who or what type of organization will serve the target population?

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The Florida Keys Outreach Coalition is a homeless service provider offering emergency and transitional shelter, as well as outreach, education, advocacy and prevention services. Now in our tenth year of service to Monroe County, we offer a residential program to support homeless addicts and former offenders in the transition from despair and hopelessness to sobriety, stability and self-sufficiency.

- (2) Does the Service Provider have a history of successful performance of this type of service or is this a new activity? Include an organization chart where appropriate.

FKOC was established in 1992 and began with a 16-bed facility for homeless men in recovery from alcohol and substance abuse. The organization now serves men and women with a total capacity for 120 individuals in five facilities. The mission of the Florida Keys Outreach Coalition (FKOC) is to provide homeless individuals and families with the resources and opportunities by which to attain residential, financial and personal stability and self-sufficiency. FKOC has an impressive 11-year history of successful performance and is Monroe County's largest single homeless service provider.

FKOC operates 20 emergency and 55 transitional beds for homeless single men and 49-beds for a mix of women and children.

- (3) In order to comply with state and federal laws include a description/listing of any pertinent licenses or current contract held by the organization whether Implementing Agency or Service Provider. **It is the responsibility of the subgrantee to ensure that a Service Provider is operating under the appropriate state laws (ex. Chapter 65D, FAC, Substance Abuse Services, or Chapter 65E, FAC, Mental Health Programs).**

All mental health, substance abuse and medical treatment is referred to appropriate provider's. FKOC has the appropriate license for its residential services.

- (4) Additional guidance for prevention and treatment projects is found in Appendix X. This appendix is a listing of the information OCJG needs to have in order to approve these types of projects but has frequently found missing in initial application submissions. It is not necessary to use the guidance format, but you are encouraged to provide all identified information regarding your proposed project.

- d. Multijurisdictional Task Force Projects: Identify the following as you prepare the project description: This section does not apply.

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- (1) Target Group: Briefly describe all types of offenders your project activities will target.
 - (2) Activities: As you describe your activities, include how they relate to the target group to be addressed.
 - (3) Cooperating and Participating Agencies / Task Force Agreements: List all agencies that will participate in project activities or whose cooperation or support is necessary for its success. Describe each agency's role and state whether you have a formal written commitment of support from each listed agency. This support must ultimately be in the form of a signed Task Force Agreement that conforms to U S Department of Justice guidelines. If you do not have such a signed agreement, or if it is not current, describe how you will obtain one.
- e. Project Staff – All projects: Tell us who they are, what they are going to do, and how they are going to do it. For Treatment and Prevention Projects: In those cases where provider staff is required to be licensed, please include a description/listing of such licenses. For Law Enforcement Projects, describe the types of positions and identify the unit(s) they are operating within. Also list their jurisdiction if more than one agency is participating in the project, for example in task force projects.

FKOC is administered by an Executive Director with over 12 years experience in health and social service administration. A business manager handles all fiscal matters and grant monitoring. Two case managers, assisted by assistant case managers are responsible for monitoring client progress and compliance, a Supportive Services Coordinator facilitates life-skills classes, transportation, meals, and client activities. Outreach workers perform assessment and intake. Program monitors provide twenty-four hour supervision and daily drug testing. No professional licenses are required.

- f. Project Equipment: Identify the equipment and briefly describe how this equipment will be used in project operations.

Drug and Alcohol test strips are purchased from ROCHE Laboratories and administered daily.

- g. Project Location: Describe where will the project be located and activities will take place.
- (1) If there is a political jurisdiction (i.e. city, county) that defines the target area, please identify it.

All five facilities are in Key West Florida but serve clients from throughout Monroe County.

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- (2) If you will provide project activities in a geographic area other than those represented by a unit of government, indicate the service area boundaries. This could be through street or neighborhood names or a judicial circuit. The use of zip codes as the only identifier of an area is not acceptable, although they may be included as part of the descriptive information.

N/A

- (3) If a service will only be available to persons utilizing a specific facility, use the name of the facility, for example a county jail.

N/A

h. Project Activities / Administration:

- (1) Describe all activities to be provided.

Outreach and assessment. Intake and Individualized Action Plan. Life-Skills Training, AA/NA Meetings, meals, case management, drug testing, community service, referrals.

- (2) Identify when and how frequently project services are to be provided.

Daily

- (3) Be sure to include these activities in the Activity Implementation Schedule.

i. Target Groups, Clients and Participants:

- (1) Who will receive the services to be provided?

Homeless ex-offenders with a history of alcohol and/or substance related crime.

- (2) How will clients and participants be selected? Include a clear description of the criteria if applicable.

Pending bed availability, clients are accepted on a first come, first served basis. They must undergo a criminal background check and drug test prior to admission and remain substance free. Client's must be willing to live peaceably in a community/group environment and agree to abide by all program rules and regulations.

- j. Project Results: How will the project be organized to succeed? Provide a description of successful completion for an individual if this is a treatment

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project. Be sure to review Application Instructions for Section E.3 of the Subgrant Application Package, and relate your comments to the Program Objectives and Performance Measures for your project.

Clients may remain in the program for up to two-years. It is not a treatment program but a residential program with supportive services. All clients in need of treatment are referred.

The program will serve offenders with criminal histories related to drugs/alcohol.

Offenders will be tested daily for drugs/alcohol, be required to attend and transported to daily NA/AA meetings, maintain steady employment within two-weeks of admission, perform community service, have a 10pm curfew and all house rules. Life-skills training is also mandated.

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3. Program Objectives and Performance Measures: Up to three types of objectives may be included in this section of your subgrant application, i.e., Uniform Objectives, Project-Specific Objectives and Self-Generated Objectives. If you are proposing a project in one of the Authorized Program Areas with no Uniform Objectives, contact FDLE, Office of Criminal Justice Grants, at (850) 410-8700 for further guidance. Continue on a second page if necessary.

- a. List the number and title of the Program Area to be addressed. Refer to Appendix II, Part II, for a listing of authorized program areas. (Select only 1 Program Area)

20A Corrections Alternative - Halfway House
 (#) (Title) Drug Testing

- b. List Uniform Objectives first, followed by any other appropriate objectives you may wish to address. If additional objectives are included, please identify whether they are Project Specific or Self-Generated Objectives. Uniform and Project Specific Objectives form the basis for collection of data and quarterly performance reporting.

Uniform Objectives (Mandatory, copy as worded for the program area addressed and include all appropriate questions. Include Objectives from only 1 program area, Objectives from a different program area could be included as Project Specific Objectives).

<u>20A - Corrections Alternatives - Halfway House</u>		
20A.01	Provide forty (40) offenders with transitional housing. Part 1 - During this reporting period, how many offenders were NEW ADMISSIONS and/or READMISSIONS to transitional housing?	<u>Numeric</u>
20A.02	Provide forty (40) offenders with case management services and daily structured activities. Part 1 - During this reporting period, were most offenders provided with case management services? Part 2 - During this reporting period, were most offenders provided with daily structured activities?	<u>Y/N</u>
20A.03	Provide forty (40) offenders with short-term individual and group supportive life skills counseling. Part 1 - During this reporting period, were most offenders provided life counseling?	<u>Y/N</u>

PS001 Provide 600 drug tests.

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4. **Activity Implementation Schedule.** Complete the Activity Implementation Schedule showing when activities in the Program Description will commence and how the project will progress. This chart benchmarks planned activities, both administrative and programmatic. An "X" has been inserted for reports with mandatory due dates for all projects. Place an additional "X" to indicate times applicable to your project, as illustrated for quarterly program reports. Make a detailed listing of key activities under the heading "Programmatic Activities." Your Quarterly Performance Reports will be reviewed against this schedule.

Subgrant Period (Beginning Date – Ending Date)

Administrative Activities

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Submit Financial Reimbursement Requests												
Submit Financial Closeout Package												
Submit Quarterly Program Reports	X (04)			X (04)			X (04)			X (04)		
Submit Quarterly PGI Reports (If applicable)												

Programmatic Activities

(Continue on a second page if necessary.)

Be sure to include activities mentioned in the Project Description

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Outreach and assessment	X	X	X	X	X	X	X	X	X	X	X	X
Intake	X	X	X	X	X	X	X	X	X	X	X	X
Criminal Background Check	X	X	X	X	X	X	X	X	X	X	X	X
Drug Testing	X	X	X	X	X	X	X	X	X	X	X	X
Case Management	X	X	X	X	X	X	X	X	X	X	X	X
Transport. To NA/AA	X	X	X	X	X	X	X	X	X	X	X	X
Life Skills Training	X	X	X	X	X	X	X	X	X	X	X	X
Community Service	X	X	X	X	X	X	X	X	X	X	X	X
Child Care	X	X	X	X	X	X	X	X	X	X	X	X
Meals	X	X	X	X	X	X	X	X	X	X	X	X

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F. Project Budget

1. Budget Schedule

- a. The Project Budget Schedule includes five Budget Categories (Salaries and Benefits, Contractual Services, Expenses, Operating Capital Outlay, and Indirect Costs) and Total Project Costs. Total Local Match must be a minimum of 25% of the Total Budget.
- b. Enter the amount of federal, matching, and total funds by budget category that you will use to support project activities. Enter dollar amounts only in applicable categories based on totals from the Budget Narrative and leave others blank. Total Local Match must be a minimum of 25 percent of the Total Budget.

Show all figures rounded to the next highest dollar; do not include cents.

Type or Print Dollar Amounts Only in Applicable Categories and Leave Others Blank.

Budget Category	Federal	Match	Total
Salaries And Benefits			
Contractual Services	38,418.00	12,806.00	51,224.00
Expenses			
Operating Capital Outlay			
Indirect Costs			
Totals	38,418.00	12,806.00	51,224.00

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2. Budget Narrative

- a. The Project Budget Narrative may reflect costs in any of the five budget categories (Salaries and Benefits, Contractual Services, Expenses, Operating Capital Outlay (OCO), Indirect Costs). The Total Project Costs should be included.
- b. You must describe the line items for each applicable budget category for which you are requesting subgrant funding. Provide sufficient detail to show cost relationships to project activities. Reimbursements will only be made for items clearly identified in the budget narrative.
- c. Costs must not be allocated or included as a cost to any other federally financed program.

(Continue on additional pages if necessary.)

Please respond to the following five items before providing the details of the Budget Narrative.

1. Source of match must be cash and represent no less than twenty-five (25) percent of the project's cost.
 - a. Identify your specific sources of matching funds. General revenue fund.
 - b. Is match available at the start of the grant period? yes
 - c. If match will be provided from a source other than the subgrant recipient or the implementing agency, how will the match be tracked and verified? (The subgrantee is responsible for compliance.) n/a
2. If Salaries and Benefits are included in the budget as Actual Costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the initial year?
No: _____ If no, please explain.
Yes: XX If yes, please list number and title of position and type of benefits.
3. Indicate the OCO threshold established by the subgrantee. \$750.00 _____
4. If Indirect Cost is included in your budget please indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval of this plan. n/a
5. If the budget includes services based on unit costs, be sure to provide a definition and cost for each service as part of the budget narrative for contractual services. Provide the following information.
 - a. What is the basis for the unit costs? Unit Cost = \$16.41

\$143,775 program cost divided by 24-beds = \$5,990.63
\$5,990.63 divided by 365 days = \$16.41 per day

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Total Byrne Funds plus MC Match = \$51,224.00
\$51,224.00 divided by unit cost of \$16.41 = 3,122 funded bed days

A bed day is defined as shelter, food, case management, shower, laundry, local transportation, telephone, personal care items, daily drug testing, employment referral, compliance monitoring, and life-skills education.

b. How recently was the basis established or updated?

Income:	
Byrne Grant	38,418
Monroe Cty. Match	12,806
Other Funding Sources	92,551
Total	143,775.00

Expenses:	
Salaries/Benefits	76,409
Utilities	13,516
Telephone	2,500
Drug Testing	9,000
Maint. Supplies	5,000
General Ops	15,750
Life Skills Training	21,600
Total	143,775.00

Services will be provided under contract between Monroe County and the Florida Keys Outreach Coalition, Inc.

Purchasing methods to be used will conform to existing Federal, State, and Local laws and regulations.

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G. Conditions of Acceptance and Agreement

Conditions of agreement requiring compliance by units of local government (subgrant recipients), implementing agencies and state agencies upon signed acceptance of the subgrant award appear in this section. Upon approval of this subgrant, the approved application and the following terms of conditions will become binding. Failure to comply with provisions of this agreement will result in required corrective action up to and including project costs being disallowed and termination of the project, as specified in item 16 of this section.

1. All Subgrant Recipients must comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) *Financial Guide* and *Byrne Program Guidance Document* as well as Florida laws and regulations including the Florida Administrative Code Chapter 11D-9, Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

2. Allowable Costs

- a. Allowance for costs incurred under the subgrant shall be determined according to the general principles of allowability and standards for selected cost items set forth in the *OJP Financial Guide*, U.S. Department of Justice *Common Rule for State And Local Governments* and federal OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments", or OMB Circular A-21, "Cost Principles for Educational Institutions".
- b. All procedures employed in the use of federal funds for any procurement shall be according to U.S. Department of Justice *Common Rule for State and Local Governments*, or OMB Circular A-110 and Florida law to be eligible for reimbursement.

3. Reports

- a. Project Performance Reports

- (1) Reporting Time Frames: The subgrant recipient shall submit Quarterly Project Performance Reports to OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date. In addition, if the subgrant award period is extended beyond the "original" project period, additional *Quarterly Project Performance Reports* shall be submitted.

Failure to submit Quarterly Performance Reports that are complete, accurate and timely may result in sanctions, as specified in item 16 of Section G, performance of Agreement Provisions.

- (2) Report Contents: Performance reports must include both required sections, the quantitative response (in response to specific objectives and measures) and the qualitative narrative. The narrative must reflect on accomplishments for the quarter, incorporate specific items specified for inclusion in performance measures, and also identify problems with project implementation and address actions being taken to resolve the problems.

- b. Financial Reports

- (1) The subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Financial Claim Report to the OCJG. Monthly Financial Claim Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Financial Claim Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Financial Claim Reports shall be submitted. A final Financial Claim Report and a Criminal Justice Contract (Financial) Closeout Package shall be submitted to OCJG within forty-five (45) days of the subgrant termination period. Such claim shall be distinctly identified as "final".
- (2) All claims for reimbursement of subgrant recipient costs shall be submitted on the Financial Claim Report Forms prescribed and provided by the Office of Criminal Justice Grants. A subgrant recipient shall submit either monthly or quarterly claims in order to report current project costs. Reports are to be submitted even when no reimbursement is being requested.
- (3) All claims for reimbursement shall be submitted in sufficient detail for proper pre-audit and post-audit.

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- (4) Before the "final" claim will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
 - (5) The subgrant recipient shall submit Quarterly Project Generated Income Reports to OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 10, Program Income.)
 - c. **Other Reports**
The subgrant recipient shall submit other reports as may be reasonably required by OCJG.
- 4. Fiscal Control and Fund Accounting Procedures**
- a. The subgrant recipient shall establish fiscal control and fund accounting procedures that assure proper disbursement and accounting of subgrant funds and required non-federal expenditures. All funds spent on this project shall be disbursed according to provisions of the project budget as approved by OCJG.
 - b. All contractual expenditures and cost accounting of funds shall conform to OJP *Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments*, and federal Office of Management and Budget's (OMB) *Circulars A-21, A-87, and A-110*, in their entirety.
 - c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.
- 5. Payment Contingent on Appropriation**
The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature.
- 6. Obligation of Subgrant Recipient Funds**
Subgrant funds shall not under any circumstances be obligated prior to the effective date or subsequent to the termination date of the subgrant period. Only project costs incurred on or after the effective date and on or prior to the termination date of the subgrant recipient's project are eligible for reimbursement.
- 7. Advance Funding**
Advance funding may be authorized for up to twenty-five (25) percent of the federal award for each project according to Section 216.181(16)(b), Florida Statutes, the OJP *Financial Guide*, and the U.S. Department of Justice *Common Rule for State and Local Governments*. Advance funding shall be provided to a subgrant recipient upon a written request to the Department justifying the need for such funds. This request, including the justification, shall be either enclosed with the subgrant application or submitted to the Department prior to the first request for reimbursement. Justification should address a 30/60/90-day need for cash based on the budgeted activities for the period.
- 8. Reimbursement Subject to Available Funds**
The obligation of the State of Florida to reimburse subgrant recipients for incurred costs is subject to available federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program funds.
- 9. Travel and Training**
- a. All travel reimbursement for out-of-state or out-of-grant-specified work area shall be based upon written approval of the Department prior to commencement of actual travel. Subgrant recipients shall obtain written approval from the Department for reimbursement of training costs and related travel prior to commencement of training, if the specific training was not listed in the approved budget. Subgrant recipients shall obtain written approval from the Department for reimbursement of travel costs for field trips that were not listed in the approved project description and budget.
 - b. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
 - c. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

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10. Program Income (also known as Project Generated Income)

Program income means the gross income earned by the subgrant recipient during the subgrant period, as a direct result of the subgrant award. Program income shall be handled according to the *OJP Financial Guide* and U.S. Department of Justice *Common Rule for State and Local Governments* (reference 31 CFR Part 206 - Management of Federal Agency Receipts, Disbursements, and Operation of The Cash Management Improvement Fund).

11. Approval of Consultant Contracts

The Department shall review and approve in writing all consultant contracts prior to employment of a consultant when their rate exceeds \$450 (excluding travel and subsistence costs) for an eight-hour day. Approval shall be based upon the contract's compliance with requirements found in the *OJP Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments*, and in applicable state statutes. The Department's approval of the subgrant recipient agreement does not constitute approval of consultant contracts.

12. Property Accountability

- a. The subgrant recipient agrees to use all non-expendable property for criminal justice purposes during its useful life or request Department disposition.
- b. The subgrant recipient shall establish and administer a system to protect, preserve, use, maintain and dispose of any property furnished to it by the Department or purchased pursuant to this agreement according to federal property management standards set forth in the *OJP Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments* or the federal OMB Circular A-110. This obligation continues as long as the subgrant recipient retains the property, notwithstanding expiration of this agreement.

13. Ownership of Data and Creative Material

Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the *OJP Financial Guide*, and the U.S. Department of Justice *Common Rule for State and Local Governments*, or the federal OMB Circular A-110.

14. Copyright

The awarding agency reserves a royalty-free non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes:

- a. The copyright in any work developed under an award or subaward, and
- b. Any rights of copyright to which a subgrant recipient or subrecipient purchases ownership with support funded under this grant agreement.

15. Audit

- a. Subgrant recipients that expend \$300,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. The audit shall be performed in accordance with the federal OMB Circular A-133 and other applicable federal law. The contract for this agreement shall be identified in The Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received and disbursed. When applicable, the subgrant recipient shall submit an annual financial audit that meets the requirements of Sections 11.45 and 215.97, Florida Statutes, and Chapters 10.550 and 10.600, Rules of the Florida Auditor General.
- b. A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, both audit report and management letter findings. Incomplete audit reports will not be accepted by the Department and will be returned to the subgrant recipient.
- c. The subgrant recipient shall have all audits completed by an Independent Public Accountant (IPA). The

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IPA shall be either a Certified Public Accountant or a Licensed Public Accountant.

- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$300,000 in Federal awards during a fiscal year are exempt from the audit requirements of *OBM Circular A-133* for that fiscal year. In this case, written notification, which can be in the form of the "Certification of Audit Exemption" form, shall be provided to the Department by the Chief Financial Officer, or designee, that the subgrant recipient is exempt. This notice shall be provided to the Department no later than March 1 following the end of the fiscal year.
- g. If this agreement is closed out without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.
- h. The completed audit report or notification of non-applicability should be sent to the following address:

Florida Department of Law Enforcement
Office of Criminal Justice Grants
2331 Phillips Road
Tallahassee, Florida 32308

16. Performance of Agreement Provisions

In the event of default, non-compliance or violation of any provision of this agreement by the subgrant recipient, the subgrant recipient's consultants and suppliers, or both, the Department shall impose sanctions it deems appropriate including withholding payments and cancellation, termination, or suspension of the agreement in whole or in part. In such event, the Department shall notify the subgrant recipient of its decision thirty (30) days in advance of the effective date of such sanction. The subgrant recipient shall be paid only for those services satisfactorily performed prior to the effective date of such sanction.

17. Commencement of Project

- a. If a project has not begun within sixty (60) days after acceptance of the subgrant award, the subgrant recipient shall send a letter to OCJG indicating steps to initiate the project, reason for delay and request a revised project starting date.
- b. If a project has not begun within ninety (90) days after acceptance of the subgrant award, the subgrant recipient shall send another letter to OCJG, again explaining the reason for delay and request another revised project starting date.
- c. Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subgrant funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written amendment to this agreement.

18. Excusable Delays

- a. Except with respect to defaults of consultants, the subgrant recipient shall not be in default by reason of any failure in performance of this agreement according to its terms (including any failure by the subgrant recipient to make progress in the execution of work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the subgrant recipient. Such causes include, but are not limited to, acts of God or of the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case, the failure to perform shall be beyond the control and without the fault or negligence of the subgrant recipient.
- b. If failure to perform is caused by failure of a consultant to perform or make progress, and if such failure

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arises out of causes beyond the control of subgrant recipient and consultant, and without fault or negligence of either of them, the subgrant recipient shall not be deemed in default, unless:

- (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
 - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
 - (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

19. Extension of a Contract for Contractual Services

Extension of a contract for contractual services between the subgrant recipient and a contractor (which includes all project budget categories) shall be in writing for a period not to exceed six (6) months and is subject to the same terms and conditions set forth in the initial contract. Only one extension of the contract shall be acceptable, unless failure to complete the contract is due to events beyond the control of the contractor.

20. Written Approval of Changes in this Approved Agreement

Subgrant recipients shall obtain approval from the Department for major substantive changes. These include, but are not limited to:

- a. Changes in project activities, target populations, service providers, implementation schedules, designs or research plans set forth in the approved agreement;
- b. Budget deviations that do not meet the following criterion. That is, a subgrant recipient may transfer funds between budget categories as long as the total amount of transfer does not exceed ten (10) percent of the total approved budget and the transfer is made to an approved budget item; or,
- c. Transfers of funds above the ten (10) percent cap shall be made only if a revised budget is approved by the Department. Transfers do not allow for increasing the quantitative number of items documented in any approved budget item, i.e., increasing the quantity of equipment items in Operating Capital Outlay or Expense categories, or staff positions in the Salaries and Benefits category.)
- d. Under no circumstances can transfers of funds increase the total budgeted award.

21. Disputes and Appeals

- a. The Department shall make its decision in writing when responding to any disputes, disagreements or questions of fact arising under this agreement and shall distribute its response to all concerned parties. The subgrant recipient shall proceed diligently with the performance of this agreement according to the Department's decision.
- b. If the subgrant recipient appeals the Department's decision, the appeal also shall be made in writing within twenty-one (21) calendar days to the Department's clerk (agency clerk). The subgrant recipient's right to appeal the Department's decision is contained in Chapter 120, Florida Statutes, and in procedures set forth in Rule 28-106.104, Florida Administrative Code. Failure to appeal within this time frame constitutes a waiver of proceedings under Chapter 120, Florida Statutes.

22. Conferences and Inspection of Work

Conferences may be held at the request of any party to this agreement. At any time, a representative of the Department, of the U.S. Department of Justice, or the Auditor General of the State of Florida, have the privilege of visiting the project site to monitor, inspect and assess work performed under this agreement.

23. Access To Records

- a. The Department of Law Enforcement, the Auditor General of the State of Florida, the U.S. Department of Justice, the U.S. Comptroller General or any of their duly authorized representatives, shall have access to books, documents, papers and records of the subgrant recipient, implementing agency and contractors for

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the purpose of audit and examination according to the OJP *Financial Guide*, and the U.S. Department of Justice *Common Rule for State and Local Governments*.

- b. The Department reserves the right to unilaterally terminate this agreement if the subgrant recipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of *Chapter 119, Florida Statutes*, and made or received by the subgrant recipient or its contractor in conjunction with this agreement.

24. Retention of Records

The subgrant recipient shall maintain all records and documents for a minimum of three (3) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons.

25. Signature Authority

Both the Subgrant Recipient Authorizing Official or Designated Representative and the Implementing Agency Official, Administrator or Designated Representative who sign Section I. Signature Page, have the authority to request changes to the approved agreement. The prior mentioned individuals have authority to sign or make amendments to the Sole Source and the ADP Justification forms. The Project Director has authority to submit requests for approval of specific travel, Financial and Performance Reports, with the exception of the Closeout Package, which also requires the signature by the Chief Financial Officer of the Subgrant Recipient or authorized designee.

26. Delegation of Signature Authority

When the authorized official of a subgrant recipient or the implementing agency designates some other person signature authority for him/her, the chief officer or elected official must submit to the department a letter or resolution indicating the person given signature authority. The letter indicating delegation of signature authority must be signed by the chief officer or elected official and the person receiving signature authority. The letter must also specify the authority being delegated.

27. Personnel Changes

Upon Implementation of the project, in the event there is a change in Chief Executive Officers for the Subgrantee or Implementing Agency, Project Director, or Contact Person, the OCJG must be notified in writing with documentation to include appropriate signatures.

28. Background Check

Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of Chapter 435, Florida Statutes shall apply.

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.
 - (1) Any person who is required to undergo such a security background investigation and who refuses to cooperate in such investigation or refuses to submit fingerprints shall be disqualified for employment in such position or, if employed, shall be dismissed.
 - (2) Such background investigations shall be conducted at the expense of the employing agency. When fingerprinting is required, the fingerprints of the employee or applicant for employment shall be

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taken by the employing agency or by an authorized law enforcement officer and submitted to the Department of Law Enforcement for processing and forwarding, when requested by the employing agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for any costs incurred by it in the processing of the fingerprints.

29. Drug Court Projects

- a. A Drug Court Project funded by the Byrne Formula Grant Program must contain the 10 key elements outlined in the U.S. Department of Justice, Office of Justice Programs, Drug Courts Program Office, program guidelines "Defining Drug Courts: The Key Components", January 1997. This document can be obtained from FDLE, Office of Criminal Justice Grants, at (850) 410-8700.
- b. To ensure more effective management and evaluation of drug court programs, the subgrant recipient agrees that drug court programs funded with this award shall collect and maintain follow-up data on criminal recidivism and drug use relapse of program participation. The data collected must be available to U.S. DOJ and FDLE upon request.

30. Overtime for Law Enforcement Personnel

Prior to obligating funds from this award to support overtime by law enforcement officers, the U.S. Department of Justice encourages consultation with all allied components of the criminal justice system in the affected jurisdiction. The purpose of this consultation is to anticipate and plan for systemic impacts such as increased court dockets and the need for detention space.

31. Criminal Intelligence System

- a. The purpose of the federal regulation published in 28 CFR Part 23 - Criminal Intelligence Systems Operating Policies is to assure that subgrant recipients of federal funds for the principal purpose of operating a criminal intelligence system under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et seq., as amended, use those funds in conformance with the privacy and constitutional rights of individuals.
- b. The subgrant recipient and a criminal justice agency that is the implementing agency agree to certify that they operate a criminal intelligence system in accordance with *Sections 802(a) and 818(c) of the Omnibus Crime Control and Safe Streets Act of 1968*, as amended and comply with criteria as set forth in *28 CFR Part 23 - Criminal Intelligence Systems Operating Policies* and in the Bureau of Justice Assistance's *Formula Grant Program Guidance*. Submission of this certification is a prerequisite to entering into this agreement.
- c. This certification is a material representation of fact upon which reliance was placed when this agreement was made. If the subgrant recipient or criminal justice agency operates a criminal intelligence system and does not meet Act and federal regulation criteria, they must indicate when they plan to come into compliance. Federal law requires a subgrant-funded criminal intelligence system project to be in compliance with the Act and federal regulation prior to the award of federal funds. The subgrant recipient is responsible for the continued adherence to the regulation governing the operation of the system or faces the loss of federal funds. The Department's approval of the subgrant recipient agreement does not constitute approval of the subgrant-funded development or operation of a criminal intelligence system.

32. Confidential Funds

A signed certification that the project director or the head of the Implementing Agency has read, understands, and agrees to abide by all of the conditions for confidential funds as set forth in the effective edition of OJP's Financial Guide is required from all projects that are involved with confidential funds from either Federal or matching funds. The signed certification must be submitted at the time of grant application.

33. Equal Employment Opportunity (EEO)

- a. No person, on the grounds of race, creed, color or national origin shall be excluded from participation in, be refused benefits of, or otherwise subjected to discrimination under grants awarded pursuant to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; The Age Discrimination Act of 1975; and, Department of Justice Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E, F, G and H.

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- b. The subgrant recipient and the implementing agency agree to certify that they either do or do not meet EEO program criteria as set forth in Section 501 of The Federal Omnibus Crime Control and Safe Streets Act of 1968, as amended and that they have or have not formulated, implemented and maintained a current EEO Program. Submission of this certification is a prerequisite to entering into this agreement. This certification is a material representation of fact upon which reliance was placed when this agreement was made. If the subgrant recipient or implementing agency meet Act criteria but have not formulated, implemented and maintained such a current written EEO Program, they have 120 days after the date this agreement was made to comply with the Act or face loss of federal funds subject to the sanctions in the Justice System Improvement Act of 1979, Pub. L. 96-157, 42 U.S.C. 3701, et seq. (Reference Section 803 (a) of the Act, 42 U.S.C. 3783 (a) and 28 CFR Section 42.207 Compliance Information).
- c. Any subgrant recipient or implementing agency receiving a single grant award for \$500,000 or more OR an aggregate of grant awards for \$1,000,000 or more during any 18 month period in federal funds, must have approval of its EEO Plan by the U.S. DOJ, Office for Civil Rights (OCR). The subgrantee shall submit its EEO Plan to FDLE, for submittal to the U.S. DOJ, OCR for approval. The submission shall be in both paper copy and electronic format. If the U.S. DOJ, OCR has approved an agency's EEO Plan during the two previous years, it is not necessary to submit another EEO Plan. Instead, the subgrantee need only send a copy of its approval letter from the OCR. However, if the EEO Plan approval is more than two years old, an updated Plan must be submitted.
- d. In the event a Federal or State court of Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

34. Americans with Disabilities Act

Subgrantees must comply with the requirements of the Americans with Disabilities Act (ADA), Public Law 101-336, which prohibits discrimination by public and private entities on the basis of disability and requires certain accommodations be made with regard to employment (Title I), state and local government services and transportation (Title II), public accommodations (Title III), and telecommunications (Title IV).

35. Immigration and Nationality Act

No public funds will intentionally be awarded to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e), Section 274A(e) of the Immigration and Nationality Act ("INA"). The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the subgrant recipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this contract by the Department.

36. National Environmental Policy Act (NEPA)

- a. The subgrantee agrees to assist FDLE in complying with the NEPA and other related federal environmental impact analyses requirements in the use of subgrant funds by the subgrantee. This applies to the following new activities whether or not they are being specifically funded with these subgrant funds. That is, it applies as long as the activity is being conducted by the subgrantee or any third party and the activity needs to be undertaken in order to use these subgrant funds.

- (1) New construction;
- (2) Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
- (3) A renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
- (4) Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in

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office, household, recreational, or educational environments.

- b. For any of a subgrantee's existing programs or activities that will be funded by these subgrants, the subgrantee, upon specific request from the Department and the U.S. Department of Justice, agrees to cooperate with DOJ in any preparation by DOJ of a national or program environmental assessment of that funded program or activity.

37. Non-Procurement, Debarment and Suspension

The subgrant recipient agrees to comply with Executive Order 12549, Debarment and Suspension (34 CFR, Part 85, Section 85.510, Participant's Responsibilities). These procedures require the subgrant recipient to certify it shall not enter into any lower tiered covered transaction with a person who is debarred, suspended, declared ineligible or is voluntarily excluded from participating in this covered transaction, unless authorized by the Department.

38. Federal Restrictions on Lobbying

- a. Each subgrant recipient agrees to comply with 28 CFR Part 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subgrant recipient for award of federal contract, grant, or cooperative agreement of \$100,000 or more; or federal loan of \$150,000 or more.
- b. This certification is a material representation of fact upon which reliance was placed when this agreement was made. Submission of this certification is a prerequisite to entering into this agreement subject to conditions and penalties imposed by *Section 1352, Title 31, United States Code*. Any person who fails to file the required certification is subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure to file.
- c. The undersigned certifies, to the best of his or her knowledge and belief, that:
 - (1) No federally appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with the awarding of any federal loan, the entering into of any renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
 - (2) If any non-federal funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of congress, or an employee of a member of congress in connection with this federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit the standard form, Disclosure of Lobbying Activities, according to its instructions.

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- (3) The undersigned shall require that the language of this certification be included in award documents for all subgrant awards at all tiers and that all subgrant recipients shall certify and disclose accordingly.

39. State Restrictions on Lobbying

In addition to the provisions contained in Item 38 of Section G, Conditions of Acceptance and Agreement, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

40. "Pay-to-Stay"

Funds from this award may not be used to operate a "pay-to-stay" program in any local jail. Furthermore, no funds may be given to local jails that operate "pay-to-stay" programs. "Local jail", as referenced in this condition, means an adult facility or detention center owned and/or operated by city, county, or municipality. It does not include juvenile detention centers. "Pay-to-stay" programs as referenced in this condition, means a program by which extraordinary services, amenities and/or accommodations, not otherwise available to the general inmate population, may be provided, based upon an offender's apparent ability to pay, such that disparate conditions of confinement are created for the same or similar offenders within a jurisdiction.

41. Mitigation of Health, Safety and Environmental risks dealing with Clandestine Methamphetamine Laboratories

If an award is made to support methamphetamine laboratory operations the subgrant recipient must comply with this condition, which provides for individual site environmental assessment/impact statements as required under the National Environmental Policy Act.

- a. **General Requirement:** The subgrantee agrees to comply with Federal, State, and local environmental, health and safety laws and regulations applicable to the investigation and closure of clandestine methamphetamine laboratories and the removal and disposal of the chemicals, equipment, and wastes used in or resulting from the operation of these laboratories.
- b. **Specific Requirements:** The subgrantee understands and agrees that any program or initiative involving the identification, seizure, or closure of clandestine methamphetamine laboratories can result in adverse health, safety and environmental impacts to (1) the law enforcement and other governmental personnel involved; (2) any residents, occupants, users, and neighbors of the site of a seized clandestine laboratory; (3) the seized laboratory site's immediate and surrounding environment of the site(s) where any remaining chemicals, equipment, and waste from a seized laboratory's operations are placed or come to rest.

Therefore, the subgrantee further agrees that in order to avoid or mitigate the possible adverse health, safety and environmental impacts from any of clandestine methamphetamine operations funded under this award, it will (1) include the nine, below listed protective measures or components; (2) provide for their adequate funding to include funding, as necessary, beyond that provided by this award; and (3) implement these protective measures directly throughout the life of the subgrant. In so doing, the subgrantee understands that it may implement these protective measures directly through the use of its own resources and staff or may secure the qualified services of other agencies, contractor or other qualified third party.

1. Provide medical screening of personnel assigned or to be assigned by the subgrantee to the seizure or closure of clandestine methamphetamine laboratories;
2. Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and other personnel assigned by the subgrantee to either the seizure or closure of clandestine methamphetamine laboratories;
3. As determined by their specific duties, equip personnel assigned to the project with OSHA required protective wear and other required safety equipment;
4. Assign properly trained personnel to prepare a comprehensive contamination report on each closed laboratory;
5. Employ qualified disposal contractors to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized clandestine laboratory;

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6. Dispose of the chemicals, equipment, and contaminated materials and wastes removed from the sites of seized laboratories at properly licensed disposal facilities or, when allowable, properly licensed recycling facilities;
7. Monitor the transport, disposal, and recycling components of subparagraphs 5. and 6. immediately above in order to ensure proper compliance;
8. Have in place and implement an inter-agency agreement or other form of commitment with a responsible State environmental agency that provides for that agency's (i) timely evaluation of the environmental conditions at and around the site of a closed clandestine laboratory and (ii) coordination with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if necessary, and in accordance with existing State and Federal requirements; and
9. Included among the personnel involved in seizing of clandestine methamphetamine laboratories, or have immediate access to, qualified personnel who can respond to the potential health needs of any offender(s)' children or other children present or living at the seized laboratory site. Response actions should include, at a minimum and as necessary, taking children into protective custody, immediately testing them for methamphetamine toxicity, and arranging for any necessary follow-up medical tests, examinations or health care.

**APPENDIX IV – CERTIFICATION OF COMPLIANCE WITH
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM REQUIREMENTS**

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SUBGRANTEE CERTIFICATION

I, the undersigned authorized official, certify that according to Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 as amended, that the Subgrantee (Subgrant Recipient) . . . (Select one of the following):

XX Meets Act Criteria

_____ Does not meet Act Criteria

I affirm that I have read the Act criteria set forth in the Subgrant Application Instructions. I understand that if the Subgrant Recipient meets these criteria, it must formulate, implement and maintain a written EEO Plan relating to employment practices affecting minority persons and women. I also affirm that the Subgrant Recipient . . . (Select one of the following):

XX Has a Current EEO Plan

_____ Does Not Have a Current EEO Plan

_____ Has included a copy of the current approval letter from the US DOJ

I further affirm that if the Subgrant Recipient *meets* the Act criteria and does not have a current written EEO Plan, federal law requires it to formulate, implement, and maintain such a Plan within 120 days after a subgrant application for federal assistance is approved or face loss of federal funds.



Signature of Subgrantee Authorized Official

Type Name: James L. Roberts

Title: County Administrator

Subgrant Recipient: Monroe County Board of County Commissioners

Date: 6/4/03

**APPENDIX IV – CERTIFICATION OF COMPLIANCE WITH
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM REQUIREMENTS**

Florida Department of Law Enforcement
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IMPLEMENTING AGENCY CERTIFICATION

I, the undersigned authorized official, certify that according to Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 as amended, that this Implementing Agency . . . (Select one of the following):

XX Meets Act Criteria

_____ Does not meet Act Criteria

I affirm that I have read the Act criteria set forth in the Subgrant Application Instructions. I understand that if the Implementing Agency meets these criteria, it must formulate, implement and maintain a written EEO Plan relating to employment practices affecting minority persons and women. I also affirm that the Implementing Agency . . . (Select one of the following):

XX Has a Current EEO Plan _____ Does Not Have a Current EEO Plan

_____ Is Included in the EEO Plan of the Subgrant Recipient.

_____ Has included a copy of the current approval letter from the US DOJ

I further affirm that if the Implementing Agency *meets* the Act criteria and does not have a current written EEO Plan, federal law requires it to formulate, implement, and maintain such a Plan within 120 days after a subgrant application for federal assistance is approved or face loss of federal funds.



Signature of Implementing Agency Authorized Official

Type Name: James L. Roberts

Name of Subgrant Recipient: Monroe County Board of County Commissioners

Name of Implementing Agency: Monroe County Board of County Commissioners

Title: County Administrator

Date: _____

6/4/03